FARAD CONTINUATION SHEET No.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE.

APPEAL FROM ORDER NO. 818 OF 2004.

Office Notes,Office Memoranda of Coram, appearnaces,Courts's orders or directions and Registrar's orders.	:	Court's or Judge's orders

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Shri S.N.Chandrachud for the appellant.

Shri N.V. Walawalkar for the respondents.

CORAM: V.C.DAGA,J.

DATED: 15-9-2004.

P.C.:

. During the course of hearing, learned Counsel for the appellant-plaintiff sought permission to withdraw Spl. Civil Suit No.188 of 2004 pending in the Court of Civil Judge, SD, Pune, on the ground that alternate remedy as provided under the provisions of the Act, by way of appeal needs to be availed of.

2. In this view of the matter, considering written purshis filed by the appellant seeking permission to withdraw suit, he is allowed to withdraw the suit

with liberty to take appropriate proceeding as may be available under provisions of the B.P.M.C. Act, in accordance with law.

3. In view of the withdrawal of the suit and dismissal thereof as withdrawan,the present appeal would not survive for want of cause of action. Appeal thus stands disposed of for want of cause of action. Needless to mention that all rival contentions are kept open.

4. Appellant undertakes to produce copy of this this order before the trial Court so as to enable the trial Court to pass formal order showing dismissal of the suit as withdrawn with no order as to costs. On production of such copy of order, the trial Court is directed to pass appropriate order showing dismissal of the suit as withdrawn.

5. Parties to act on copy of this order duly authenticated by the Court Associate/P.A.